

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FEDERAL TRADE COMMISSION,

Petitioner,

v.

DINAMICA FINANCIERA, LLC,

Respondent.

No. CV 08-04649-MMM(PJWx)

**(~~PROPOSED~~) ORDER TO SHOW CAUSE WHY RESPONDENT
SHOULD NOT BE HELD IN CIVIL CONTEMPT FOR ITS
FAILURE TO COMPLY WITH THIS COURT’S JULY 31, 2008, ORDER
AND NOTICE THAT DINAMICA FINANCIERA, LLC AND ITS
MEMBERS, JOSE MARIO ESQUER AND VALENTIN BENETIZ,
MAY BE SANCTIONED, INCLUDING THROUGH
COERCIVE INCARCERATION, FOR DINAMICA’S
FAILURE TO COMPLY WITH THIS COURT’S ORDER**

Petitioner, the Federal Trade Commission, has requested that this Court enter an Order holding respondent, Dinamica Financiera, LLC (“Dinamica”), in civil contempt for its failure to comply with this Court’s July 31, 2008, Order (the “July 31 Order”) (DE 13) compelling Dinamica to produce complete responses to written interrogatories, all responsive documents, and a sworn verification in compliance with a Civil Investigative Demand (“CID”) issued by the Commission on April 22, 2008, and then served on Dinamica

1 The Court has considered the Commission's Petition for an Order Finding Civil
2 Contempt and the papers filed in support thereof and it appears to the Court that
3 petitioner has shown good cause for the entry of this Order.
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5 It is by this Court hereby ORDERED that respondent Dinamica and its two
6 members, Jose Mario Esquer and Valentin Benitez, appear at **10:00 a.m.** on the **22nd** day
7 of **September**, 2008, in Courtroom No. **780**, United States Courthouse, Los Angeles,
8 California, and show cause, if any there be, why this Court should not find Dinamica in
9 civil contempt for failure to comply with this Court's July 31 Order. Unless the Court
10 determines otherwise, notwithstanding the filing or pendency of any procedural or other
11 motions, all issues raised by the Petition and supporting papers, and any opposition to
12 the Petition will be considered at the hearing on the Petition, and the allegations of said
13 Petition shall be deemed admitted unless controverted by a specific factual showing.
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15 IT IS FURTHER ORDERED that, if respondent Dinamica or either or both of its
16 members, Jose Mario Esquer and Valentin Benitez, intend to file pleadings, affidavits,
17 exhibits, motions or other papers in opposition to said Petition or to the entry of the
18 Order requested herein, such papers must be filed and delivered to petitioner's counsel
19 by **August 28, 2008**. Such submission shall include, in the case of any affidavits or
20 exhibits not previously submitted, or objections not previously made to the Federal
21 Trade Commission in support of the petition to quash filed by respondent, an
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1 explanation as to why such objections were not made or such papers or information not
2 submitted to the Commission. Any reply by the Commission shall be filed with the
3 Court and received by Dianmica and its members by **September 4, 2008**.

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5 IT IS FURTHER ORDERED, that this is a summary proceeding and that neither
6 the Commission, Dinamica, nor Dinamica's members, Jose Mario Esquer and Valentin
7 Benitez, shall be entitled to discovery without further order of the Court upon a specific
8 showing of need; and the dates for a hearing and the filing of papers established by this
9 Order shall not be altered without prior order of the Court upon good cause shown; and
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12 IT IS FURTHER ORDERED, that a copy of this Order and copies of said Petition
13 and the Memorandum of Points and Authorities in support thereof filed herein, be served
14 forthwith by petitioner Federal Trade Commission upon respondent Dinamica, upon
15 counsel for Dinamica, and upon the two members of Dinamica, Jose Mario Esquer and
16 Valentin Benitez. Such service upon Dinamica and its counsel shall be made by
17 personal service, or by certified or registered mail return receipt requested, or by
18 overnight express delivery service. Such service upon Jose Mario Esquer and Valentin
19 Benitez shall be made by personal service, or by certified or registered mail return
20 receipt requested.
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3 **NOTICE of POTENTIAL SANCTIONS for**
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5 **DINAMICA, JOSE MARIO ESQUER, and VALENTIN**
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7 **BENETIZ :** Pursuant to this Order, Dinamica and its two members,
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9 Jose Mario Esquer and Valentin Benetiz, are hereby placed on notice
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11 that they may be sanctioned in the event that Dinamica is found to be in
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13 contempt of the court's July 31, 2008, Order that was personally served
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15 on July 31 on Valentin Benetiz, one of Dinamica's members. Such
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17 sanctions may, include, but are not limited to, the coercive incarceration
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19 of Jose Mario Esquer and Valentin Benetiz. Such incarceration may
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21 continue until such time as Dinamica substantially complies with the
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23 terms of the Court's July 31, 2008, Order.
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Margaret M. Morrow
United States District Judge

Dated: August 21, 2008, Los Angeles, California

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